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10/537,175	06/15/2006	Shaheedur Reza Haque	Q88275	7997

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EXAMINER	
GARNER, WERNER G	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/537,175	HAQUE ET AL.	
	Examiner	Art Unit	
	WERNER GARNER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-13,15-17 and 19-21* is/are rejected.

7)☒ Claim(s) *7,14 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/1/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Objections

2. **Claim 17** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants are required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Based on the language of claim 17, it appears that it is dependent on claim 1. The limitations recited in claim 17 are the same as those listed in claim 1 defining the games system. It appears that applicants may have intended claim 17 to be an independent claim similar to claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-4, 6, 8-13, 15-17, and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh, US 7,124,938 B1 (hereinafter Marsh) in view of "WinTV-USB and WinTV-USB-FM Specifications" by Hauppauge (hereinafter Hauppauge).

Regarding **Claim 1 (Original)**: Marsh discloses a games system comprising a games console and an adaptor unit,

wherein the games console comprises:

i. a console housing (Marsh, C1:34-55);

ii. a game interface within said console housing for receiving a game product (Marsh, C4:47-C5:10 and Fig. 2 [game programs are commonly stored on removable magnetic disks 160 and removable optical disks 164]);

iii. a display interface within said console housing for interfacing said games console to a display (Marsh, C5:11-26 and Fig. 2 [video adapter 186]);

iv. a user interface within said console housing for receiving user input (Marsh, C5:11-26 and Fig. 2 [user input devices may be connected through interface 168]);

v. a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom game video data for output to said display interface (Marsh, C5:64-C6:17 and Fig. 2 [processing unit 144]);

vi. an adaptor interface within said console housing for coupling the games console with said adaptor unit (Marsh, C6:24-32 and Fig. 3 [system 220 may transmit media content to a computing device, which implies an interface by which the two communicate]); and

vii. a video player within said housing for receiving encoded video data from said adaptor unit via said adaptor interface and for outputting decoded video data to said display interface (Marsh, C5:64-C6:17);

wherein said adaptor unit comprises:

ii. a video data receiver within said adaptor housing for receiving encoded video data from a remote video provider (Marsh, C7:35-49 and Fig. 3 [coupling 244]);

iii. a games console interface within said adaptor housing for interfacing said adaptor unit to said adaptor interface of said games console (Marsh, C17:38-45 and Fig. 3 [interface is between content renderer module 36 and rendering device 294]); and

iv. a communications controller within said adaptor housing for outputting encoded video data to said video player of said games console via said console interface and said adaptor interface (Marsh, C17:46-C18:4 and Fig. 3 [content renderer module 236]).

Marsh fails to explicitly disclose wherein said adaptor unit comprises:

i. an adaptor housing.

Hauppauge teaches an adaptor unit comprising:

i. an adaptor housing (Hauppauge, page 1).

Marsh teaches a content storage and rendering system that may transmit received media content to another computing device (Marsh, C6:24-32 [system 220]). Marsh provides a block diagram of system [220] without discussing the physical makeup of the device. Electronic devices almost always come in an enclosure of some kind to protect the electronic components from damaging environmental factors as well as protecting users from coming into contact with electricity and thereby preventing injury. The Hauppauge WinTV-USB is an audio-video adaptor that receives media signals from an external source and transmits the media to a computer in a format that allows the computer to render the content to users (Hauppauge, page 1). The Hauppauge WinTV-USB comes in an enclosure (Hauppauge, page 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the audio visual adaptor as disclosed by Marsh with a housing as taught by Hauppauge in order to protect the electrical components inside and the users for possible injury.

Regarding **Claim 2 (Original)**: Marsh further discloses wherein the adaptor unit further comprises encryption means for encrypting the video data to be output to said video player via said console interface (Marsh, C13:21-51 [MPEG Decoder Module 234]) and wherein said video player includes decryption means for decrypting the video data (Marsh, C13:21-51 [rendering device 294 decrypts the content]).

Regarding **Claim 3 (Original)**: Marsh further discloses wherein said video player includes embedded data for decrypting the encrypted video data (Marsh, C13:21-51 [MPEG Decoder Module 234 can decrypt and encrypt content]).

Regarding **Claim 4 (Original)**: Marsh further discloses wherein said adaptor unit further comprises a secure processor for storing an encryption key for use by said encryption means for encrypting said video data (Marsh, C9:48-58 [processor 262]).

Regarding **Claim 6 (Currently Amended)**: Marsh further discloses wherein said secure processor is formed on a smart-card which is retractable from a smart-card reader mounted within said adaptor housing (Marsh, C2:37-45).

Regarding **Claim 8 (Currently Amended)**: Marsh further discloses wherein said adaptor unit further comprises a modem within said adaptor housing for connecting the

adaptor unit to a data network (Marsh, C5:45-58 [a network interface 196 is used for a LAN, while a modem 198 is used with a WAN]).

Regarding **Claim 9 (Original)**: Marsh further discloses wherein said games console further comprises a web browser within said console housing for receiving menu pages from a remote server via said modem in said adaptor unit, said console interface and said adaptor interface and for generating menu screens for output to said display interface (Marsh, C5:27-44).

Regarding **Claim 10 (Currently Amended)**: Marsh further discloses wherein said games console is operable to transmit and to receive game data to and from said data network via said modem and said adaptor unit to provide network gaming to a user thereof (Marsh, C15:57-C16:30 and Fig. 7).

Regarding **Claim 11 (Original)**: Marsh discloses an adaptor unit for use with a games console, the adaptor unit comprising:

- a video data receiver within the adaptor housing for receiving encoded video data from a remote video provider (Marsh, C7:35-49 and Fig. 3 [coupling 244]);
- a games console interface within said adaptor housing for interfacing said adaptor unit to said games console (Marsh, C17:38-45 and Fig. 3

[interface is between content renderer module 36 and rendering device 294]); and

- a communications controller within said adaptor housing for outputting encoded video data to said games console via said console interface (Marsh, C17:46-C18:4 and Fig. 3 [content renderer module 236]).

Marsh fails to explicitly disclose wherein said adaptor unit comprises:

- an adaptor housing.

Hauppauge teaches an adaptor unit comprising:

- an adaptor housing (Hauppauge, page 1);

Regarding **Claim 12 (Original)**: Marsh further discloses encryption means for encrypting the video data to be output to said games console via said console interface (Marsh, C13:21-51 [MPEG Decoder Module 234]) and a secure processor within said adaptor housing for storing an encryption key for use by said encryption means for encrypting said video data (Marsh, C9:48-58 [processor 262]).

Regarding **Claim 13 (Original)**: Marsh further discloses wherein said secure processor is retractable from said adaptor housing and is formed on a smart-card (Marsh, C2:37-45) and wherein said adaptor housing includes a smart-card reader for reading the encryption key from said smart-card processor (Marsh, C8:29-45 [smart card reader 248]).

Regarding **Claim 15 (Currently Amended)**: Marsh further discloses a modem within said adaptor housing for connecting the adaptor unit to a data network (Marsh, C5:45-58 [a network interface 196 is used for a LAN, while a modem 198 is used with a WAN]).

Regarding **Claim 16 (Original)**: Marsh further discloses wherein said adaptor unit is operable to receive game data from said games console and to transmit the received game data to said data network and is operable to receive game data from said data network and to transmit the game data received from the data network to said games console, to provide network gaming to a user of the games console (Marsh, C15:57-C16:30 and Fig. 7).

Regarding **Claim 17 (Currently Amended)**: Marsh discloses a games console for use in the system according to claim 1, the games console comprising:

- a console housing (Marsh, C1:34-55);
- a game interface within said console housing for receiving a game product (Marsh, C4:47-C5:10 and Fig. 2 [game programs are commonly stored on removable magnetic disks 160 and removable optical disks 164]);
- a display interface within said console housing for interfacing said games console to a display (Marsh, C5:11-26 and Fig. 2 [video adapter 186]);

- a user interface within said console housing for receiving user input (Marsh, C5:11-26 and Fig. 2 [user input devices may be connected through interface 168]);
- a game controller within said console housing for receiving game data from said game interface and said user input from said user interface and for generating therefrom game video data for output to said display interface (Marsh, C5:64-C6:17 and Fig. 2 [processing unit 144]);
- an adaptor interface within said console housing for coupling the games console with said adaptor unit (Marsh, C6:24-32 and Fig. 3 [system 220 may transmit media content to a computing device, which implies an interface by which the two communicate]); and
- a video player within said housing for receiving encoded video data from said adaptor unit via said adaptor interface and for outputting decoded video data to said display interface (Marsh, C5:64-C6:17).

Regarding **Claim 19 (Currently Amended)**: Marsh further discloses a web browser within said console housing for receiving menu pages from a remote server via a modem in said adaptor unit, and for generating menu screens for output to said display interface (Marsh, C5:27-44).

Regarding **Claim 20 (Original)**: Marsh further discloses wherein the games console is operable to transmit and to receive game data to and from said data network

via said modem and said adaptor unit to provide network gaming to a user thereof (Marsh, C15:57-C16:30 and Fig. 7).

Regarding **Claim 21 (Original)**: Marsh discloses a method of providing video data for display, the method comprising the steps of:

- interfacing an adaptor unit with a games console (Marsh, C6:24-32 and Fig. 3 [system 220 is connected with computing device]);
- receiving at said adaptor unit encoded video data from a remote video provider (Marsh, C17:4-13 and Fig. 8 [receive encrypted content 356]);
- outputting encoded video data from said adaptor unit to said games console through said interface (Marsh, C16:24-30 and Fig. 7 [transfer encrypted content over network to another device 338]);
- decoding in said games console said encoded video data to generate decoded video data (Marsh, C13:43-51 [rendering device 294 decrypts the media content]); and
- outputting the decoded video data for display (Marsh, C3:46-67 and Fig. 1 [audio and video media is distributed and rendered by a media content rendering system [102]).

5. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh, in view of Hauppauge, and further in view of Kim et al., US 2002/0169973 A1 (hereinafter Kim).

Regarding **Claim 5 (Original)**: Marsh, as modified, discloses the invention as described above. Marsh, as modified, fails to disclose wherein an intermediate decryption key is provided in said secure processor, wherein said communications controller is operable to pass said intermediate decryption key to said video player via said console interface and said adaptor interface and wherein said decryption means of said video player is operable to decrypt said video data using said embedded data and said intermediate decryption key.

Kim teaches wherein an intermediate decryption key is provided in said secure processor, wherein said communications controller is operable to pass said intermediate decryption key to said video player via said console interface and said adaptor interface and wherein said decryption means of said video player is operable to decrypt said video data using said embedded data and said intermediate decryption key (Kim, ¶13).

Marsh teaches a content storage and rendering system that may transmit encrypted media content to another computing device (Marsh, C6:24-32 [system 220]). Marsh discloses the use of a public and private keys, but fails to disclose the use of an intermediate key which is passed to the video player (Marsh, C9:32-42). There are two main classes of cryptographic systems: symmetric key and public key cryptographic systems (Kim, ¶5). Kim teaches a hybrid cryptographic system that generates an intermediate key and passes it to a playing device (Kim, ¶13). The processes of

obtaining original data in a hybrid cryptographic system are usually faster than those of the public/private key cryptographic system (Kim, ¶8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the public/private key cryptographic system as disclosed by Marsh with the hybrid cryptographic system using an intermediate key as taught by Kim in order to increase the speed of encrypting and decrypting data.

Allowable Subject Matter

2. **Claims 7, 14, and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WERNER GARNER whose telephone number is (571) 270-7147. The examiner can normally be reached on M-F 7:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/W. G./
Examiner, Art Unit 3714